

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JODY PRINCE,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION FILE
)	NO.: _____
CSS CORP.)	
and JOHN AGULUE,)	
)	
Defendants.)	JURY TRIAL REQUESTED

COMPLAINT FOR DAMAGES

COMES NOW Plaintiff Jody Prince, and files this lawsuit against Defendants CSS Corp. and John Agulue (hereinafter collectively “Defendants”), and shows the following:

I. Nature of Complaint

1.

Plaintiff brings this action to obtain full and complete relief and to redress the unlawful employment practices described herein.

2.

This action seeks declaratory relief, liquidated and actual damages for Defendants’ failure to pay federally mandated overtime wages to Plaintiff in violation of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. §201 *et seq.* (hereinafter “FLSA”) during Plaintiff’s employment with Defendants

(hereinafter referred to as the “relevant time period”).

II. Jurisdiction and Venue

3.

The jurisdiction of this Court is invoked pursuant to 29 U.S.C. §216(b), and 28 U.S.C. §1343(4).

4.

Defendant CSS Corp. is a Georgia corporation.

5.

The unlawful employment practices alleged in this Complaint were committed within this District at Plaintiff’s work location: 8102 Waldrop Place, Decatur GA. In accordance with 28 U.S.C. § 1391, and LR 3, Northern District of Georgia, venue is appropriate in this Court.

III. Parties

6.

Plaintiff was a resident of the State of Georgia during the relevant time period.

7.

Defendant CSS Corp. may be served with process by delivering a copy of the summons and complaint to its registered agent, John Agulue, 9813 Washington Circle, Jonesboro, Georgia, 30238.

8.

Defendant John Agulue may be served with process by delivering a copy of the summons and complaint to his home address at 9813 Washington Circle, Jonesboro, Georgia, 30238.

IV. Factual Allegations

9.

Plaintiff was an “employee” (as defined under FLSA §3(e), 29 U.S.C. §203(e)) for Defendants.

10.

Plaintiff performed non-exempt labor for the Defendants within the last three years.

11.

Defendants employed the named Plaintiff during the relevant time period.

12.

During the relevant time period, Plaintiff worked an amount of time that was more than forty (40) hours per workweek and was not paid the overtime wage differential required by FLSA §7, 29 U.S.C. §207 when working more than forty (40) hours per week.

13.

Defendant CSS Corp. is a private employer engaged in interstate commerce, and upon information and belief, its gross revenues exceed \$500,000 per year.

14.

Defendant John Agulue is the CEO of CSS Corp.

15.

Defendant Agulue had discretion over Plaintiff's working hours and overtime compensation.

16.

Defendant Agulue acts both directly and indirectly in the interest of CSS Corp. and was in a supervisory position over Plaintiff.

17.

CSS Corp. is an "employer" within the definition of FLSA §3(d), 29 U.S.C. §203(d).

18.

Defendant Agulue is an "employer" within the definition of FLSA §3(d), 29 U.S.C. §203(d).

19.

Defendants are governed by and subject to FLSA §§ 6-7, 29 U.S.C. §§ 204, 206-207.

20.

Plaintiff started with CSS in January 2013 as a caregiver assigned to a private home.

21.

In March 2013, Plaintiff was assigned to a group home owned by CSS at 8102 Waldrop Place in Decatur, Georgia. She worked at this facility until she was terminated on November 27, 2013.

22.

At the group home, Plaintiff generally worked from 7:00 a.m. until 9:00 p.m. Monday through Friday and then from 7:00 a.m. Saturday until 7:00 a.m. Monday. Plaintiff worked this shift from March through September 2013.

23.

In October, Plaintiff began working 12 hour shifts on weekends instead of 24 hour shifts and continued to do so until she was terminated on November 27, 2013.

24.

Plaintiff was paid \$11 per hour for the weekday hours and \$100 per shift on the weekends.

25.

Plaintiff was misclassified as an independent contractor. Upon information

and belief, Plaintiff should have been classified as an employee subject to the minimum wage and overtime requirements of the FLSA.

26.

From March 2013 until November 2013, Plaintiff was not paid the correct overtime wage differential required by FLSA §7, 29 U.S.C. §207 when working more than forty (40) hours per week in a non-exempt position.

27.

Defendants failed to pay Plaintiff's overtime wages at one and one-half her hourly rate for the hours over forty (40) worked in a week.

**V. Violation of the Overtime Wage Requirement
of the Fair Labor Standards Act.**

28.

Defendants, individually and collectively, jointly and severally, have violated FLSA § 7, 29 U.S.C. § 207, by failing to pay overtime wages for time that Plaintiff worked in excess of forty (40) hours in a workweek.

29.

Pursuant to FLSA §16, 29 U.S.C. §216, Plaintiff brings this lawsuit to recover unpaid wages, overtime wage differential, liquidated damages in an equal amount, attorneys' fees, and the costs of this litigation.

VI. Prayer for Relief

WHEREFORE, Plaintiff respectfully requests that this Court:

- (A) Grant Plaintiff a trial by jury as to all triable issues of fact;
- (B) Enter judgment awarding Plaintiff unpaid overtime wages pursuant to the FLSA § 7, 29 U.S.C. § 207, liquidated damages as provided by 29 U.S.C. § 216, pre-judgment interest on unpaid wages pursuant to 29 U.S.C. § 216, and court costs, expert witness fees, reasonable attorneys' fees as provided under FLSA § 16 and all other remedies allowed under the FLSA;
- (C) Grant declaratory judgment declaring that Plaintiff's rights have been violated; and
- (D) Award Plaintiff such further and additional relief as may be just and appropriate.

Respectfully submitted this 21st day of February 2014.

THE SHARMAN LAW FIRM LLC

/s/ Paul J. Sharman
PAUL J. SHARMAN
Georgia State Bar No. 227207

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